

<b>TIA THOMAS</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 239,059
<b>AMERICAN INSULATED WIRE</b>	)	
Respondent	)	
AND	)	
	)	
<b>RELIANCE NATIONAL INDEMNITY COMPANY</b>	)	
Insurance Carrier	)	

The evidence establishes the claimant fell from a three-foot ladder or step stool at work on July 20, 1998. Although claimant now alleges a back injury, she reported only injury to her leg. She completed an injury report describing the injury as a bruise to her left leg. Claimant sought medical treatment with a physician's assistant. The records from the physician's assistant for the date of July 30, 1998, indicate claimant fell and injured her left leg. The records contain no mention of complaints relating to the back. Claimant first sought medical treatment for her back in late August 1998. She then gave a history of back pain for two weeks. The records again contain no mention of accidental injury to her back. Finally, Mr. George Colvin, the manager responsible for dealing with accidental injuries,

testified that claimant advised him on August 28, 1998, she was having back pain. He asked if it was work related and she advised that it was not. In fact, she advised him she had been moving and sleeping on the couch and this was probably the cause of the problem.

Based on the above facts, the Administrative Law Judge concluded claimant had failed to prove accidental injury arising out of and in the course of her employment. The Appeals Board agrees with and affirms that decision.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish on April 8, 1999, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1999.

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BOARD MEMBER

c: Seth G. Valerius, Topeka, KS  
Stephen J. Jones, Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director